

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CIVIL MINUTES

Date: June 27, 2022	Time: 33 minutes 2:30 p.m. to 3:03 p.m.	Judge: WILLIAM H. ORRICK
Case No.: 19-md-02913-WHO	Case Name: Madison County Public Schools v. In Re: Juul Labs, Inc., Marketing, Sales Practices	

Attorneys for Plaintiffs: Dena Sharp, Sarah London, Ellen Relkin, Khaldoun Baghdadi, and Dean Kawamoto

Attorneys for Defendants: David Bernick, John Massaro, Renee D. Smith, Gregory Stone, and Beth Wilkinson

Deputy Clerk: Jean Davis

Court Reporter: Crystal Hicks

PROCEEDINGS

Case Status Conference conducted via videoconference to address the disputes raised by counsels' joint letter of June 23, 2022 as to the B.B. trial. Only Lead Counsel or counsel who addressed the Court are identified. Other counsel in attendance.

The Court rules as follows on the issues identified:

1 – DENIED, the deposition not limited.

2 – The court will follow its practice to conditionally admit documents, as long as subsequent witnesses will provide the context and foundation for admission.

3 – Generally for experts whose reports have been withdrawn for purposes of the B.B. trial, parties are free to refer to whose withdrawn experts' work, but not who the expert was retained by (as that would be more prejudicial than probative under Rule 403). The Court defers ruling on the situation where only a B.B. case-specific report has been withdrawn but plaintiffs still intend to present the expert's generic report/opinion. The parties will submit further briefing on this situation in advance of the July 15, 2022 Case Management Conference.

4 – Gal Cohen is not a managing agent.

5 - Altria can use the Jennifer Hunter deposition at trial.

6 – The Court will follow the typical procedures for rebuttal.

7 – If Robin Bain testifies live, there is no need to a supplemental deposition.

8 – The parties can use party opponent depositions anyway they want, but they cannot use it and later call the same witness live separately. When parties use opponent depositions in their case in chief, only the rule of completeness will apply with respect to opposing designations.

9 – Any disputes over opening statement slides shall be discussed on the date the parties and court meet to discuss the completed juror questionnaires, and will be ruled on the day the jury is selected.

10 – The parties shall agree on a process to raise disputes on Judge Larson's rulings, providing the Court clarity on when a ruling is required. It is OK to use transcripts/video excerpts, as long as counsel know the excerpts will be admissible. JLI shall make its offer of proof regarding family substance abuse on or before August 19, 2022 and plaintiff may reply by August 26, 2022.

Next Case Management Conference **July 15, 2022 at 1:00 p.m.**